

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07-CR-511-JCH
)	
DENISE HARDY, DPM, et al.,)	
)	
Defendants.)	

PROTECTIVE ORDER

In accord with 45 C.F.R. §§ 164.512(a), (e) and for good cause shown, this Court recognizes that medical records produced in this litigation and pursuant to the subpoena to which this Order is attached may be protected under applicable law, including the Health Insurance Portability and Accountability Act (HIPAA), and hereby orders as follows:

1. Defendants and the government are to keep confidential all medical records (“Records”) produced to them pursuant to the subpoena to which this Order is attached.

2. Such Records are restricted to use in this litigation and shall not be disclosed or communicated to anyone except (1) counsel of record, their staff and other attorneys employed by the parties to the extent reasonably necessary to render professional services in this litigation, including court reporters and off-site copy services; (2) retained experts or consultants; or (3) any party in this litigation.

4. Any filings with the Court of Records, or specific information obtained there from, shall be made only under seal marked “Contains Confidential Information Subject To A Protective Order.”

5. After final termination of this action, Defendants and the government shall destroy or return all such Records to the party producing the records, together with all copies thereof, whether in the possession of the attorneys, their staff or experts, contractors or consultants.

6. Neither the termination of this action nor the termination of employment of any person who had access to said Records, or information therefrom, shall relieve any person from the obligation of maintaining both the confidentiality and the restrictions on use of anything disclosed pursuant to this Order.

ENTERED this 18th day of June, 2009.


UNITED STATES DISTRICT JUDGE

AGREED AND APPROVED AS TO FORM:

By: /s/ Barry A. Short

Barry A. Short, Bar Number: #4358
Evan Z. Reid, Bar Number: #93822
Steven D. Hall, Bar Number: #509672

500 N. Broadway, Suite 2000
St. Louis, Missouri 63102
Telephone: (314) 444-7600
Facsimile: (314) 241-6056
bshort@lewisrice.com
ereid@lewisrice.com
shall@lewisrice.com

George Emershaw, admitted *pro hac vice*
Emershaw, Mushkat & Schneier
120 E. Mill St., Suite 437
Akron, Ohio 44308
(330) 376-5756

Attorneys for Defendant Denise Hardy

—and—

/s/ Michael J. Gorla

Michael J. Gorla, Bar Number: #3251

720 Olive Street, Suite 1630
St. Louis, Missouri 63101
Telephone: (314) 621-1617
Facsimile: (314) 621-7448
mjgorla@msn.com

Attorney for Defendant
South St. Louis Orthopedic Group